

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).27298/2009

(From the judgement and order dated 19/02/2009 in WA No.1904/2008
of The HIGH COURT OF KARNATAKA AT BANGALORE)

NATIONAL INSURANCE CO.LTD.& ORS. Petitioner(s)

VERSUS

T.MAHENDRAN Respondent(s)

(With prayer for interim relief)

Date: 29/01/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA
HON'BLE MR. JUSTICE SWATANTER KUMAR

For Petitioner(s) Mr. Goolam E. Vahanvati,AG.
Mr. Dinesh Mathur,Adv.
Mr. Saurabh Jain,Adv.
Mr. Rameshwar Prasad Goyal,Adv.

For Respondent(s) Mr. K.K. Mani,Adv.
Mr. Ankit Swarup,Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

By consent, the matter is take up for final
hearing.

Heard learned counsel on both sides.

The civil appeal is allowed with no order
as to costs.

[T.I. Rajput]
A.R.-cum-P.S.

[Madhu Saxena]
Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.998 OF 2010
(Arising out of S.L.P. (C) No.27298 of 2009)

National Insurance Co. Ltd. & Ors. ...Appellant(s)

Versus

T. Mahendran ...Respondent(s)

O R D E R

Leave granted.

By consent, the matter is taken up for final hearing.

Heard learned counsel on both sides.

In this case, vide order dated 8th February, 2008, passed by the High Court of Karnataka in Criminal Appeal No.1551 of 2001, the order of conviction passed by the C.B.I. Court on 27th October, 2001, stood set aside. Consequently upon the said judgement dated 8th February, 2008, the respondent herein, who was an employee of National Insurance Company Limited, sought re-instatement with backwages, which stands allowed by reason of the impugned order passed by the Division Bench of the Karnataka High Court on 19th February, 2009 in Writ Appeal No.1904 of 2008. As a result of the impugned order, the

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respondent herein has made a claim on National Insurance Company Limited towards backwages and other benefits [including promotion] for an approximate amount of Rupees seventeen lakhs. Unfortunately, in the present case, the High Court has not given detailed reasons for awarding backwages and other benefits. It may be incidentally mentioned that the Management had passed an order of dismissal on 13th September, 2002. However, the Management has reinstated the respondent on 19th December, 2008.

The grievance made by the appellants herein is that the High Court has not examined in detail as to whether the respondent was automatically entitled to backwages and other benefits consequent upon re-instatement, including promotion. We agree with this submission.

In the circumstances, we remit this case to the High Court to consider the above-mentioned aspect only in Writ Appeal No.1904 of 2008. We express no opinion on the contentions raised by the parties before us. However, since this is a limited aspect on which the High Court needs to give its opinion, we request the High Court to expeditiously hear and dispose of Writ Appeal No.1904 of 2008, leaving all the contentions open, within a period of three months from today.

The civil appeal is, accordingly, allowed with no order as to costs.

.....J.
[S.H. KAPADIA]

.....J.
[SWATANTER KUMAR]

New Delhi,
January 29, 2010.